

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION**

AMAZON.COM, INC. and AMAZON DATA  
SERVICES, INC.,

Plaintiffs,

v.

WDC HOLDINGS LLC dba NORTHSTAR  
COMMERCIAL PARTNERS; BRIAN  
WATSON; STERLING NCP FF, LLC;  
MANASSAS NCP FF, LLC; NSIPI  
ADMINISTRATIVE MANAGER; NOVA  
WPC LLC; WHITE PEAKS CAPITAL LLC;  
VILLANOVA TRUST; CASEY  
KIRSCHNER; ALLCORE DEVELOPMENT  
LLC; FINBRIT HOLDINGS LLC;  
CHESHIRE VENTURES LLC; CARLETON  
NELSON; JOHN DOES 1-20,

Defendants.

CASE NO. 1:20-CV-484-RDA-TCB

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800 HOYT LLC,

Intervening Interpleader  
Plaintiff, Intervening  
Interpleader Counter-  
Defendant,

v.

BRIAN WATSON; WDC HOLDINGS, LLC;  
BW HOLDINGS; LLC,

Interpleader Defendants,

and

AMAZON.COM, INC., and AMAZON DATA  
SERVICES, INC.,

Interpleader Defendants,  
Interpleader Counter-Plaintiffs.

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**PLAINTIFFS' MOTION FOR A PROTECTIVE ORDER PROHIBITING THE  
DEPOSITIONS OF ANDREW JASSY, PETER DESANTIS AND TERESA CARLSON**

Pursuant to Rule 26(c)(1) of the Federal Rules of Civil Procedure, Plaintiffs Amazon.com, Inc. and Amazon Data Services, Inc. (“Plaintiffs”) respectfully move the Court to grant a protective order precluding the depositions of Andrew Jassy, Peter DeSantis, and Teresa Carlson.

Defendants Carleton Nelson and Cheshire Ventures LLC (“Defendants”) seek to depose Andrew Jassy, Peter DeSantis, and Teresa Carlson, three of Amazon’s highest-ranking current and former executives, who have no unique personal knowledge of the transactions at issue in this litigation. These depositions are improper and should be precluded. Even under the permissive approach to discovery contemplated by the Federal Rules, the “broad rule allowing liberal discovery does not necessarily bestow upon a party the right to have his or her attorney depose a highly ranked corporate executive.” *Performance Sales & Mktg. LLC v. Lowe’s Cos., Inc.*, 2012 WL 4061680, at \*3 (W.D.N.C. Sept. 14, 2012). Rather, as a safeguard against foreseeable abuses of the discovery process, a party seeking to depose a witness at the apex of an adversary’s corporate structure—like Mr. Jassy, Mr. DeSantis, or Ms. Carlson—must satisfy particular requirements in order to show that the burdens imposed by the deposition are reasonable and proportional to the needs of the case. *See In re Lumber Liquidators Chinese-Manufactured Flooring Prods. Mktg., Sales Pracs. & Prods. Liab. Litig.*, 2018 WL 3934396, at \*1, 4–5 (E.D. Va. Aug. 16, 2018); *see also, e.g., Performance Sales*, at \*3 (relying on the “apex doctrine,” which serves to “ensur[e] that the liberal rules of procedure for depositions are used only for their intended purpose and not as a litigation tactic to create undue leverage by harassing the opposition or inflating its discovery costs”). Defendants have not and cannot make such a showing. In particular, they have not shown that these three high-ranking executives have unique personal knowledge of the facts in this litigation or that they cannot obtain the information they seek through other means, including a deposition of Amazon pursuant to Federal Rule of Procedure 30(b)(6), which will require Amazon to

produce individuals with knowledge of the topics specified in the deposition notice. Amazon has not objected to the Rule 30(b)(6) deposition, nor does it object to the majority of the Amazon executive and employee depositions that Defendants have noticed.

Plaintiffs have repeatedly asked Defendants to withdraw these notices but Defendants have refused, to no avail. The parties are thus at impasse with respect to this issue, *see* L. Civ. R. 7(E), and Plaintiffs respectfully move the Court for a protective order prohibiting Defendants from compelling Andrew Jassy, Peter DeSantis, or Teresa Carlson to be deposed in this matter.

Dated: March 1, 2022

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Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that on March 1, 2022, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system. I will then send the document and a notification of such filing (NEF) to the following parties via U.S. mail to their last-known address and by email, where noted:

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